

10/562059

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference POKJ10468		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2004/009521	International filing date (day/month/year) 29.06.2004	Priority date (day/month/year) 30.06.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant OTSUKA CHEMICAL CO., LTD.		

<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>
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Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of this opinion
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. <input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material <input type="checkbox"/> a sequence listing <input type="checkbox"/> table(s) related to the sequence listing b. format of material <input type="checkbox"/> in written format <input type="checkbox"/> in computer readable form c. time of filing/furnishing <input type="checkbox"/> contained in the international application as filed. <input type="checkbox"/> filed together with the international application in computer readable form. <input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.
3.	<input checked="" type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:

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Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table> <tr> <td align="center">Novelty (N)</td> <td>Claims <u>1-10</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> <tr> <td align="center">Inventive step (IS)</td> <td>Claims <u>1-10</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> <tr> <td align="center">Industrial applicability (IA)</td> <td>Claims <u>1-10</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> </table>		Novelty (N)	Claims <u>1-10</u>	YES		Claims _____	NO	Inventive step (IS)	Claims <u>1-10</u>	YES		Claims _____	NO	Industrial applicability (IA)	Claims <u>1-10</u>	YES		Claims _____	NO
Novelty (N)	Claims <u>1-10</u>	YES																	
	Claims _____	NO																	
Inventive step (IS)	Claims <u>1-10</u>	YES																	
	Claims _____	NO																	
Industrial applicability (IA)	Claims <u>1-10</u>	YES																	
	Claims _____	NO																	
<p>2. Citations and explanations:</p> <p>The inventions relating to claims 1-10 are not disclosed in any of the documents cited in the ISR and they appear to be novel. In particular, none of the documents discloses an amide obtained by reacting disialoundecasaccharide chain asparagines with fatty acid.</p> <p>The inventions relating to claims 1-10 appear to involve an inventive step over the documents cited in the ISR. Documents 1-3 do not describe obtaining an amide by reacting disialoundecasaccharide chain asparagines with fatty acid; nor is this point obvious to a party skilled in the art.</p> <p>Document 1) JP 2003-128703 A Document 2) Mark LOWE et al., The Journal of Biological Chemistry, Vol. 258, No. 3, 1885-1887, 1993 Document 3) Masahiko ENDO et al., The Journal of Biological Chemistry, Vol. 257, No. 15, pages 8755-8760, 1982, abstract</p>																			

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Box No. VI	Certain documents cited			
1. Certain published documents (Rule 43bis.1 and 70.10)				
	Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
	WO 2004/058824 A1	15.07.2004	26.12.2003	26.12.2002
	[E, A]			
2. Non-written disclosures (Rule 43bis.1 and 70.9)				
	Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)	